

CHAPTER 89

PORT AUTHORITY

8900. Port Authority Established.

A local port authority is hereby created under Sections 68.010, 68.015, 68.025, 68.040, 68.045, 68.060 and 68.070, Revised Statutes of Missouri, Cumulative Supplement 1975. (Ord. 1455, Eff. 08/28/86)

8901. Port Authority, Geographic Boundaries.

The total area within Jackson County, excluding the corporate limits of Kansas City, Missouri, is hereby designated the Jackson County Port District. (Ord. 1455, Eff. 08/28/86)

8902. Port Authority, Transportation Commission.

Upon adoption of this ordinance, the Clerk of the Legislature shall forward a certified copy to the Transportation Commission of the State of Missouri. (Ord. 1455, Eff. 08/28/86)

8903. Port Authority, Powers.

Pursuant to 68.025 RSMo the Port Authority shall have the following powers to:

8903.1 Confer with any similar body created under laws of this or any other state for the purpose of adopting a comprehensive plan for the future development and improvement of its port districts;

8903.2 Consider and adopt detailed and comprehensive plans for future development and improvement of its port districts and to coordinate such plans with regional and state programs;

8903.3 Either jointly with a similar body, or separately, recommended to the proper departments of the government of the United States, or any state or subdivision thereof, or to any other body, the carrying out of any public improvement for the benefit of its port districts;

8903.4 Provide for membership in any official, industrial, commercial or trade association, or any other organization concerned with such purposes, for receptions of officials or others as may contribute to the advancement of its port districts and any industrial development herein, and for such other public relations activities as will promote the same, and such activities shall be considered a public purpose;

8903.5 Represent its port districts before all federal, state and local agencies;

8903.6 Cooperate with other public agencies and with industry, business, and labor in port district improvement matters;

8903.7 Enter into any agreement with any other states, agencies, authorities, commissions, municipalities, persons, corporations, or the United States, to effect any of the provisions contained in this chapter;

8903.8 Approve the construction of all wharves, piers, bulkheads, jetties, or other structures;

8903.9 Prevent or remove, or cause to be removed, obstructions in harbor areas, including the removal of wrecks, wharves, piers, bulkheads, derelicts, jetties or other structures endangering the health and general welfare of the port districts; in case of the sinking of a facility from any cause, such facility or vessel shall be removed from the harbor at the expense of its owner or agent so that it shall not obstruct the harbor;

8903.10 Recommend the relocation, change, or removal of dock lines and shore or harbor lines;

8903.11 Acquire, own, construct, lease, and maintain recreational facilities, industrial parks, industrial facilities, and terminals, terminal facilities, warehouses and any other type port facility;

8903.12 Acquire, own, lease, sell or otherwise dispose of interest in and to real property and improvements situate thereon and in personal property necessary to fulfill the purposes of the port authority;

8903.13 Acquire rights-of-way and property of any kind or nature within its port districts necessary for its purposes. Every port authority shall have the right and power to acquire the same by purchase, negotiation, or by condemnation, and should it elect to exercise the right of eminent domain, condemnation proceedings shall be maintained by and in the name of the port authority, and it may proceed in the manner provided by the laws of this state for any county or municipality. The power of eminent domain shall not apply to property actively being used in relation to or in conjunction with river trade or commerce;

8903.14 Contract and be contracted with, and to sue and be sued;

8903.15 Accept gifts, grants, loans or contributions from the United States of America, the state of Missouri, political subdivisions, municipalities, foundations, other public or private agencies, individual, partnership or corporations;

8903.16 Employ such managerial, engineering, legal, technical, clerical, accounting, advertising, tenographic, and other assistance as it may deem advisable. The port authority may also contract with independent contractors for any of the foregoing assistance;

8903.17 Improve navigable and nonnavigable areas as regulated by federal statute;

8903.18 Disburse funds for its lawful activities and fix salaries and wages of its employees;

8903.19 Adopt, alter or repeal its own bylaws, rules and regulations governing the manner in which its business may be transacted; however, said bylaws, rules and regulations shall not exceed the powers granted to the port authority by this chapter; and

8903.20 When private operators are not interested or available, the port authority shall have the power to operate a recreational facility, industrial parks, and terminals, and terminal facilities, warehouses and any other type port facility for a period not to exceed five years, after which the facility shall again be offered for competitive bids for private operation. In the event that such bids are not responsive, the port authority shall submit these bids to the transportation commission for review. In the event that the commission concurs, the port authority may petition the commission, at least nine months before the expiration of the operating provision, to extend the provision for one additional period not to exceed five years. (Ord. 1455, Eff. 08/28/86)

8904. Port Authority Commissioners, Numbers and Appointment.

The authority shall consist of seven commissioners who shall be qualified voters of the State of Missouri and residents of the county, at least four commissioners shall be residents of Jackson County outside the corporate limits of Kansas City. The county executive shall, subject to disapproval by the county legislature, appoint the commissioners, at least three of which shall be of each of two political parties whose candidates received the most votes for governor at the last general election, who shall constitute the members of such authority; provided, however, that no elective or appointed official of any political subdivision or of the State of Missouri shall be a member of this authority. (Ord. 1455, Eff. 08/28/86)

8905. Port Authority, Executive Appoints Chairperson.

The county executive shall designate one member as chairperson of the authority. (Ord. 1455, Eff. 08/28/86)

8906. Port Authority, Quorum.

No action of the authority shall be binding unless taken at a meeting at which at least four members are present and unless a majority of the members present at such meeting shall vote in favor thereof. (Ord. 1455, Eff. 08/28/86)

8907. Port Authority, Term.

The terms of the Commissioners shall be three (3) years or until their successors take

office, except that for the original term two members shall be appointed for 1 year, two members shall be appointed for 2 years, and three members shall be appointed for three years. (Ord. 1455, Eff. 08/28/86)

8908. Port Authority, Filling a Vacancy.

In the event that a vacancy occurs regardless of whether such a vacancy is the result of the expiration of a term or by death, resignation or some other cause resulting in an unexpired term, the county executive shall, subject to disapproval by the county legislature, appoint a replacement. (Ord. 1455, Eff. 08/28/86)

8909. Port Authority, Filing of Annual Report.

The Board of Commissioners shall file an annual report with the Auditor of the County Legislature. (Ord. 1455, Eff. 08/28/86)

8910. Port Authority, Independent Audits.

The County shall provide for periodic independent audits of the accounts of the port authority. (Ord. 1455, Eff. 08/28/86)

8911. Port Authority, Severability Clause.

The provisions of this ordinance are severable, and if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this ordinance. (Ord. 1455, Eff. 08/28/86)